

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOSEPH MONTALDO,

Plaintiff,

-against-

**Rule 26(f) Report**  
CV 21-1272 (JMA)(ARL)

THE COUNTY OF SUFFOLK.,

Defendant.

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Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on \_\_\_\_\_ and was attended by:

\_\_\_\_\_, counsel for plaintiff(s)

\_\_\_\_\_, counsel for defendant(s).

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

\_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ The proceeding is exempt under Rule 26(a)(1)(B).

If yes, such initial disclosures shall be made by \_\_\_\_\_.

2. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by \_\_\_\_\_.

3. PARTIES AND PLEADINGS

a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by \_\_\_\_\_.

b. If the case is a class action, the parties agree that the motion for class certification shall be filed by \_\_\_\_\_.

4. MOTIONS

Are there any pending motion(s)? \_\_\_\_ Yes \_\_\_\_ No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

5. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

6. DISCOVERY PROCEDURES

a. The parties agree that all fact discovery shall be completed by \_\_\_\_\_. The parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If, after having met and conferred, the parties are unable to reach an agreement on any matter related to discovery, they may seek the Court's assistance by letter motion pursuant to Local Rule 37.3 and in accordance with Judge Lindsay's Individual Rules.

b. Do the parties anticipate the production of ESI? \_\_\_\_ Yes \_\_\_\_ No  
If yes, describe the protocol for such production:

c. Do the parties intend to seek a confidentiality order or claw back agreement? <sup>1</sup>  
If yes, such order or agreement shall be filed with the Court by \_\_\_\_\_.

7. DISPOSITIVE MOTIONS

Any party planning on making a dispositive motion must take the first step in the motion process by \_\_\_\_\_.

8. EXPERT TESTIMONY

a. Primary expert reports must be produced by \_\_\_\_\_.

b. Rebuttal expert reports must be produced by \_\_\_\_\_.

c. All expert discovery shall be completed by \_\_\_\_\_.

9. SETTLEMENT

Plaintiff(s) will make a settlement demand by \_\_\_\_\_.

Defendant(s) will respond by \_\_\_\_\_.

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<sup>1</sup> See attachment A.

The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year.

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

10. RULE 16 PRETRIAL CONFERENCE

Upon receipt of this Form the court will schedule a Rule 16 conference by telephone.

11. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)

\_\_\_\_\_ Yes      \_\_\_\_\_ No

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

Dated:

[To be signed by Counsel]

**United States District Court  
Eastern District of New York**

*Documents must not be filed under seal or ex parte unless the court has granted a motion for leave to file under seal. Please follow these steps.*

**Steps for E-filing Sealed Documents - Civil Cases**

- 1. Attorney e-files a Motion for leave to e-file a Sealed Document. The proposed document(s) to be e-filed under seal must be an attachment to this filing.**

A Notice of Electronic Filing (NEF) will be sent to all case participants.

At the time of this filing, the Docket Entry will be public, but the attached Motion and Proposed Sealed Document(s) will be sealed. (Even the filing party will not have access to the attached documents through ECF.)

- 2. Judge will enter an order ruling on the Motion for Leave to file Sealed Document(s):**

A Notice of Electronic Filing (NEF) will be sent to all case participants.

At the time of this filing, the Docket Entry of the Judge's order will be public, but the attached order will be sealed.

**If the Order grants the Motion for Leave to e- file Sealed Document** - a prompt will direct the attorney to file the Sealed Document(s) again, using the appropriate Event and the Sealed Document event.

**For example; to e-file a Sealed Motion to Compel:  
Under Motions: select both the Sealed Document and Compel events.**

**Both selections should appear in the Selected Events box.**

The NEF will include a link to EDNY's instructions on how to e-file sealed documents, which is posted on our website.

**If Order denies the Motion for Leave to e- file Sealed Document**, a prompt will notify attorney that they are not allowed to e-file the Document as a Sealed Document. The attorney may then choose to either e-file it as a public document or not to file it.

**Note:** E-filing a motion for leave to e-file as sealed document is not the same as the e-filing of a motion for leave to e-file an ex parte document. An ex parte document is viewable by court staff and the filing party. A sealed document is viewable only by those with sealed access to the case.